

Appl. No. : **10/629,210**
Filed : **July 28, 2003**

REMARKS

The Office Action mailed on December 18, 2006 has been carefully considered. Accordingly, the changes presented herewith, taken with following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Applicants wish to thank the Examiner for the telephonic interview held on March 19 with the undersigned. The merits of the claim 1 were discussed with respect to Lang et al.

Claims 1-8, 11-14, 33-37, and 40-44 are pending in the current application. Applicants respectfully request the Examiner enter new claims 45-51 be entered for consideration. No new matter has been introduced by the addition of claims 45-51. Claims 43 and 44 have been withdrawn by the Examiner as being directed to an invention that is independent or distinct from the invention originally claimed. Applicants traverse this holding of claims 43 and 44, but in order to advance prosecution, claims 43 and 44 have been cancelled without prejudice, Applicants reserving the right to prosecute these claims at a later time. Claims 1 and 7 are objected to for certain informalities. Claim 1 has been amended per the Examiner's requirements. Applicants respectfully traverse the objection in claim 7, as discussed below. Claim 40 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants traverse the rejection, but in order to facilitate advancement of the present case, claim 40 has been cancelled without prejudice. In addition, claims 1, 4, 11, 34, and 35 have been cancelled without prejudice. Applicants reserve the right to prosecute claims 1, 4, 11, 34, 35, and 40 at a later time.

The specification has been amended to further clarify features of clearly shown in FIG. 6 of the application as originally filed. No new matter has been introduced by these amendments to the specification. The amended text is at least supported by U.S. Patent Number 5,589,982, which was incorporated by reference in the current application on page 10, lines 16-18 of the specification as originally filed.

Claims 1-3, 7, 8, 13, and 40-42 stand rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,231,603 ("Lang et al."). Claims 33-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of USPN 5,117,306 ("Cohen"). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of USPN 5,366,502 ("Patel"). Claims 4-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of

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USPN 6,197,058 (“Portney”) or US Patent Application Number 2003/0097176 (“Nordan et al.”). Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of US Patent Application Number 2002/0042653 (“Copeland”). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lang et al. in view of US Patent Application Number 2004/0230300 (“Bandhauer et al.”) or International Application Publication Number WO 03/000154 (“Miller”). Applicants traverse these rejections as discussed below.

Claim 7 stands objected to, the Examiner contending that “vaulted” as used appears to positively claim the structure in combination with the eye. The Examiner has suggested changing “vaulted” to “adapted to be vaulted”. Applicants respectfully traverse the objections and refer the Examiner to FIG. 3 and page 9, lines 1-6 of Applicants’ specification as originally filed, which clearly show that the term “vaulted” refers to the location of the supplemental lens 32 relative to the primary intraocular lens 30.

Applicants wish to thank the Examiner for the telephonic interview held on March 19 with the undersigned. The merits of the claim 1 were discussed with respect to Lang et al. At least some of the substance of the interview is discussed in the response below.

Claims 1-3, 7, 8, 13, and 40-42 Are Not Anticipated by Lang et al.

Claims 1-3, 7, 8, 13, and 40-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lang et al. Applicants traverse this rejection; however, in an effort to advance the present case, claim 1 has been cancelled and at least portions thereof have been incorporated into new independent claims 45 and 48. The claims previously dependent upon claim 1 have been amended to depend upon claim 45.

Lang et al. does not teach or suggest various elements of new claims 45 and 48. For example, Lang et al. does not teach or suggest a supplemental intraocular lens that is positively powered or negatively powered, depending on whether the vision correcting power is insufficient or excessive, respectively, as recited in independent claim 45. Also, Lang et al. does not teach or suggest a supplemental intraocular lens comprising a blazed profile on a planar substrate, as recited in independent claim 48.

Furthermore, Lang et al. does not teach or suggest a supplemental intraocular lens comprising a substantially completely diffractive optic, as recited in both claims 45 and 48. The Examiner has asserted that Lang et al. clearly suggest a “wholly” diffractive lens. Applicants

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respectfully traverse the Examiner's assertion. Lang teaches a multifocal lens body that may be diffractive, but does not specify the structure of the multifocal lens body as being substantially completely diffractive, as specifically recited in claims 45 and 48.

At least because Lang et al. does not teach or suggest all of the limitations of new claims 45 and 48, Applicants request the Examiner allow claims 45 and 48. Claims 2, 3, 7, 8, 13, 41, and 42 depend from claim 45 and further define the invention of claim 45. Thus, claims 2, 3, 7, 8, 13, 41, and 42 are patentable over Lang et al. at least for the same reasons that claim 45 is patentable thereover, and are patentable in their own right as well.

Claims 4-6, 8, 11, 12, 14, 33-37 Are Patentable Over Lang et al., Cohen, Patel, Portney, Nordan, and Copeland.

Claims 4-6, 8, 11, 12, 14, 33-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lang et al. in view of Cohen, Patel, Portney, Nordan, or Copeland. Applicants traverse these rejections.

Neither Cohen, Patel, Portney, Nordan, nor Copeland make up for any of the deficiencies of Lang et al. already discussed above with regards to independent claim 45. Thus, neither Cohen, Patel, Portney, Nordan, Copeland nor Lang et al. teach or suggest all the limitations of claim 45. Claims 4-6, 8, 11, 12, 14, 33-37 depend from claim 45 and further define the invention of claim 45. Thus, claims 4-6, 8, 11, 12, 14, 33-37 are patentable over Cohen, Patel, Portney, Nordan, Copeland and Lang et al. at least for the same reasons that claim 45 is patentable thereover, and are patentable in their own right as well. Accordingly, Applicants request that the Examiner allow claims 4-6, 8, 11, 12, 14, 33-37.

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CONCLUSION

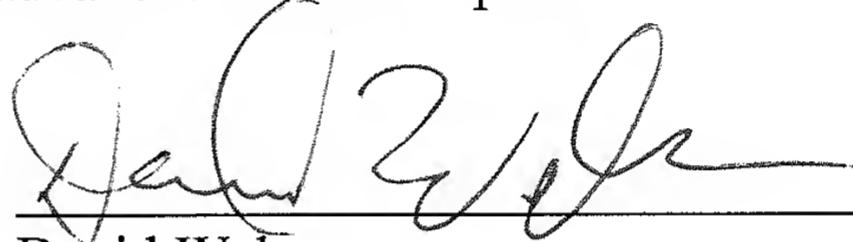
For the foregoing reasons, Applicants respectfully assert that the claims now pending are allowable over the prior art of record. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
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